

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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THOMAS SHELLEY,

Petitioner,

v.

ORDER

08-cv-107-bbc

RANDY HOENISCH, ROBERT DICKMAN,  
ROBERT GROERNICK, ERIC LOSEE,  
MICHAEL WILLIAMS, TOM MARQUART  
and LUTHERAN SOCIAL SERVICE,

Respondents.  
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Petitioner Thomas Shelley, an inmate at the Marathon County jail in Wausau, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. From the trust fund account statement petitioner submitted recently in a habeas corpus action in this court, Shelley v. Williams, 08-cv-076-bbc, it appears that petitioner has no means with which to pay an initial partial payment of the \$350 fee for filing his complaint. However, petitioner should be aware that he is obligated to pay the \$350 filing fee, even if this court determines that he will not be permitted to proceed with his complaint in forma pauperis and even if he does not presently have funds with which to pay the fee.

28 U.S.C. § 1915(b)(1). His account will be monitored and the fee must be taken in monthly installments when the funds exist.

Accordingly, IT IS ORDERED that petitioner's complaint is taken under advisement. As soon as the court's calendar permits, petitioner's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Petitioner will be notified promptly when such a decision has been made.

Entered this 3<sup>rd</sup> day of March, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge